

REMARKS

Claims 1-16 are pending with claims 1 and 13 being independent. Claims 8, 11-13, 15, and 16 have been amended to correct typographical errors. The specification has been amended to correct typographical errors. No new matter has been added.

Independent claim 1 relates to an apparatus for moving a toy appendage. The apparatus includes a moveable device within the toy appendage that is attached to a body of a toy, and an actuator connected to the moveable device. The actuator rotates the moveable device about a drive axis that is fixed relative to the body of the toy, which causes at least a first portion of the moveable device to rotate relative to at least a second portion of the moveable device about a device axis that is fixed relative to the moveable device.

Independent claim 13 relates to a method of actuating an appendage attached to a body of a toy. The method includes rotating the appendage about a drive axis that is fixed relative to the body of the toy, and rotating at least a first portion of the appendage relative to at least a second portion of the appendage about a device axis that is fixed relative to the appendage.

The Examiner has rejected claims 1-5 and 8-16 as being anticipated by U.S. Patent No. 5,297,443 (Wentz). Applicant requests withdrawal of this rejection because Wentz fails to describe or suggest an actuator connected to a moveable device to rotate the moveable device about a drive axis that is fixed relative to a body of the toy, as recited in claim 1, or rotating an appendage about a drive axis that is fixed relative to a body of the toy, as recited in claim 13.

Wentz relates to a flexible appendage 30 having one or more control lines 50 that are actuated by a drive box 164 to bend the flexible appendage. See Wentz at abstract, col. 5, lines 10-38, col. 9, lines 51-55, and Figs. 1 and 11. The drive box includes a motor 166 that rotates a threaded shaft 168, which causes a nut 170 that is coupled to the threaded shaft 168 to move along the shaft 168. See Wentz at col. 9, lines 55-58 and Fig. 11. A control line is connected to the nut 170 such that when the nut moves along the shaft 168, the control line is actuated to cause the appendage to bend. See Wentz at col. 9, lines 55-61 and Fig. 11.

Though the drive box 164 in Wentz rotates a first portion of the appendage 30 relative to a second portion of the appendage 30 (described in Wentz as bending or curving the appendage 30), the drive box 164 in Wentz does not rotate the appendage 30 about a drive axis that is fixed relative to a toy body. Rather, as Wentz explains, the proximal segment 162 of the appendage 30 is "mounted rigidly" to the drive box 164. See Wentz at col. 9, lines 51-55 and Fig. 11.

The Examiner points to the motor 166 (within the drive box 164) that causes the shaft 168 to rotate as somehow corresponding to an actuator that rotates a moveable device. Although the shaft 168 is a moveable device that is rotated about a drive axis, the shaft 168 is not a moveable device that also has a first portion that rotates relative to a second portion about a device axis, which are features that are recited in claims 1 and 13. The Examiner cannot treat the appendage 30 as the moveable device for one part of the rejection and then treat the shaft 168 as the moveable device in another part of the rejection.

For these reasons, claims 1 and 13 are allowable over Wentz. The remaining claims depend from these claims and are allowable for at least the reasons that claims 1 and 13 are allowable and for containing allowable subject matter in their own right.

Independent consideration and allowance of the dependent claims are requested. For example, claim 2 recites that the actuator includes a drive shaft connected a motor and "to the moveable device, the drive shaft defining the drive axis." As discussed above, Wentz does not describe or suggest rotating the appendage about a drive axis that is fixed relative to the body of the toy. For this reason, Wentz fails to describe or suggest a drive shaft defining the drive axis, as recited in claim 2. The Examiner again points to the shaft 168 of Wentz as somehow showing a drive shaft that defines the drive axis. However, as discussed above, the appendage is not rotated about a drive axis that is defined by the shaft 168. Rather, the shaft 168 is rotated about its own drive axis.

As another example, claim 12 recites, among other features, that the actuator is configured to rotate the at least first portion relative to the at least second portion in a first device direction about the device axis if the moveable device is rotated in a first main direction about the drive axis. Again, as discussed above, Wentz does not rotate the moveable device about a drive axis. Thus, Wentz cannot rotate the moveable device in a first main direction about a drive axis.

The Examiner has rejected claims 6 and 7 as being obvious over Wentz. Claims 6 and 7 depend from claim 1 and are allowable for at least the reasons that claim 1 are allowable and for containing allowable subject matter in their own right. For example, claim 7 recites that the lever is connected to the elongated device such that when the drive shaft rotates the lever, the lever actuates the elongated device. The Examiner has merely stated that "Wentz discloses the claimed invention except for a flexible strip." However, Wentz fails to describe or suggest a lever configured to actuate an elongated device when a drive shaft rotates the lever.